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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,262	04/24/2001	Toshihiro Shimizu	33551	6020
7590	09/30/2005		EXAMINER	
Jeffrey J. Sopko Pearne & Gordon LLP Suite 1200 526 Superior Avenue Cleveland, OH 44114-1484			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 09/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/841,262	SHIMIZU ET AL.	
Examiner	Art Unit		
Bob Chevalier	2616		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 April 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-21 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-6, and 20, drawn to a digital recoding/reproducing apparatus for surveillance includes the feature of "the shot pictures are recorded and the live pictures are displayed based on the relevant camera information, the recording condition information, and the display condition information", classified in class 386, subclass 117.
  - II. Claims 7-13, and 21, drawn to a digital recording/reproducing apparatus for surveillance including the features of "wherein the recording condition set per the monitoring area are changed as well as changes display conditions for live pictures when said alarm signals are input", classified in class 386, subclass 117.
  - III. Claims 14-19, drawn to a digital video recording/reproducing apparatus for surveillance including the feature of "means for turning off the power to the monitoring cameras except during the operation time", classified in class 386, subclass 117.
2. The inventions are distinct, each from the other because of the following reasons:

The inventions as grouped above are distinct inventions not useable together or in the same system. The three groups of inventions are useable apart from each other and have unique specific structures not required of the other, and can therefore be separately useable as distinct inventions. For example, the

digital recoding/reproducing apparatus for surveillance includes the feature of "the shot pictures are recorded and the live pictures are displayed based on the relevant camera information, the recording condition information, and the display condition information" as specified in group I does not require the feature of the "wherein the recording condition set per the monitoring area are changed as well as changes display conditions for live pictures when said alarm signals are input" as specified in claim 10 of group II, and the feature of the "means for turning off the power to the monitoring cameras except during the operation time" as specified in claim 14 of group III.

Moreover, the digital recording/reproducing apparatus for surveillance including the features of "wherein the recording condition set per the monitoring area are changed as well as changes display conditions for live pictures when said alarm signals are input" as specified in claim 10 of group II does not require the feature of the "means for turning off the power to the monitoring cameras except during the operation time" as specified in claim 14 of group III, and the feature of "the shot pictures are recorded and the live pictures are displayed based on the relevant camera information, the recording condition information, and the display condition information" as specified in group I.

Furthermore, the digital video recording/reproducing apparatus for surveillance including the feature of "means for turning off the power to the monitoring cameras except during the operation time" as specified in claim 1 of group I, does not require the feature of "the shot pictures are recorded and the

live pictures are displayed based on the relevant camera information, the recording condition information, and the display condition information" as specified in claim 1 of group I, and the feature of the "wherein the recording condition set per the monitoring area are changed as well as changes display conditions for live pictures when said alarm signals are input" as specified in claim 10 of group II.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (1).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
September 27, 2005.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER